

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

VENICE PI, LLC,

Plaintiff,

V.

RANDY PATTERSON; BRIAN HAWES; DOE 9; and YEN KHUN,

Defendants.

C17-1163 TSZ

MINUTE ORDER

The following Minute Order is made by direction of the Court, the Honorable Thomas S. Zilly, United States District Judge:

(1) On April 22, 2019, plaintiff filed a notice of voluntary dismissal, docket no. 62, seeking to dismiss its claims against the remaining defendants without prejudice. In its notice of voluntary dismissal, plaintiff purported to identify an individual defendant who was granted permission by the Court to proceed anonymously in this case. See Minute Order (docket no. 22). Plaintiff made the same error in the caption of an earlier filing. See Reply, docket no. 61. The Clerk has recently sealed both documents, but they were available for public view for a sufficient time that they might have been uploaded by private websites unrelated to and outside the control of the Court, and might now be available to the public for a fee. See www.pacermonitor.com; www.law360.com. The Clerk is DIRECTED to send copies of plaintiff's notice of voluntary dismissal and this Minute Order to Doe 9 at the address set forth in the Confidential Subscriber Information, docket no. 26-1.

(2) With regard to defendant Randy Patterson, who filed an objection, docket no. 60, to plaintiff's response, docket no. 59, to the Court's Minute Order entered October 19, 2018, docket no. 58, the Court **DECLINES** to permit plaintiff to voluntarily

1 dismiss its claim **without** prejudice in the absence of any proof of service of its notice of
2 voluntary dismissal on Mr. Patterson.

3 (3) Pursuant to plaintiff's notice of voluntary dismissal, plaintiff's claims
4 against defendants Brian Hawes, Doe 9, and Yen Khun are deemed dismissed without
5 prejudice. With regard to Mr. Patterson, plaintiff's notice is treated as a motion to
dismiss, and is NOTED for May 24, 2019. Mr. Patterson may file, on or before May 20,
2019, a response to plaintiff's motion, indicating whether he objects to dismissal of
plaintiff's claim **without** prejudice, which would allow plaintiff to refile its claim against
him in another case. Any reply shall be filed by the new noting date.

6 (4) The Clerk is directed to send a copy of this Minute Order to all counsel of
7 record, to Doe 9 as indicated in Paragraph 1, above, and to Randy Patterson.

8 Dated this 25th day of April, 2019.

9 William M. McCool

10 Clerk

11 s/Karen Dews

12 Deputy Clerk